

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JOHN STAMPER,

Plaintiff,

v.

Case No. 06-C-1291

WISCONSIN CENTRAL LTD and
ROY D SINDELAR,

Defendants.

ORDER

A motion for leave to file a second amended complaint was filed in the above matter. The motion states that it proposes to add more specific allegations concerning the rules and practices the railroad was required to follow in order to meet its obligation to provide the plaintiff with a safe workplace as required under FELA. If leave to file is granted, this would be the second amended complaint to which the defendants will be required to respond to in just over a month. Rather than require the defendants to file another round of answers, I conclude that the motion should be denied because it is unnecessary. All that the Federal Rules require is notice pleading – “[t]here is no need for detailed factual allegations” in the complaint. *Conley v. Gibson*, 355 U.S. 41, 47 (1957). At this stage a plaintiff need not identify every conceivable basis for his assertion that a defendant was negligent; and by the same token a defendant need not be forced to admit or deny such specific allegations at such an early stage in the lawsuit. Plaintiff’s proposed pleading clearly provides defendants further notice of the specifics of his claim. These matters undoubtedly will come out through discovery, but for now the plaintiff is not forced to assert specifics within the complaint in order to assert them later.

IT IS THEREFORE ORDERED that the motion to amend is **DENIED**.

Dated this 13th day of December, 2007.

s/ William C. Griesbach
William C. Griesbach
United States District Judge